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Atty. Docket No. A34446 (070050.1571)
PATENT619
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9-3-03
RP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Modak et al.

Serial No. : 10/047,631 Examiner: Criares, Theodore

Filed : October 23, 2001 Group Art Unit: 1619

For : GENTLE-ACTING SKIN DISINFECTANTS

RESPONSE TO ELECTION REQUIREMENT

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450

August 25, 2003

Date of Deposit

Lisa B. Kole

Attorney Name


Signature35,225

PTO Registration No.

August 25, 2003

Date of Signature

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Dear Sir:

In response to the Election Requirement dated July 2, 2003, please consider the following remarks. Applicants submit herewith a Petition to Extend Time for a period of one month, up to and including September 2, 2003, together with the appropriate fee.

According to the Examiner, the above-identified patent application contains claims directed to the following patentably distinct species:

- I. A composition wherein the agents are octoxyglycerin and a biguanide compound;
- II. A composition wherein the agents are octoxyglycerin and triclosan;
- III. A composition wherein the agents are octoxyglycerin and phenoxyethanol;
- IV. A composition wherein the agents are octoxyglycerin and an iodine compound;
- V. A composition wherein the agents are octoxyglycerin and parachlorometaxilenol;
- VI. A composition wherein the agents are a quaternary ammonium compound and a biguanide compound;
- VII. A composition wherein the agents are a quaternary ammonium compound and triclosan;
- VIII. A composition wherein the agents are a quaternary ammonium compound and phenoxyethanol;
- IX. A composition wherein the agents are a quaternary ammonium compound and an iodine compound; and
- X. A composition wherein the agents are a quaternary ammonium compound and parachlorometaxilenol.

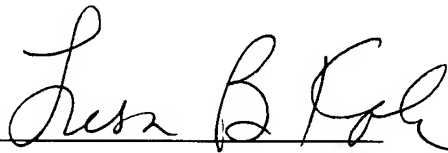
Applicants, for reasons set forth below, traverse the requirement, but because an election is required hereby elect species I, octoxyglycerin and a biguanide compound. Claims that read on this species are claims 1-8 and 21-40. This election is made without prejudice to the prosecution of non-elected species in other patent applications. Applicants understand that, as

indicated by the Examiner, upon the allowance of a generic claim, they will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim.

Applicants traverse the species election requirement because, contrary to the characterization of compositions VI-X above, all the claimed compositions comprise octoxyglycerin. Applicants would prefer to elect, as a species, compositions comprising octoxyglycerin, a biguanide compound, and a quaternary ammonium compound; claims reading on this species would be claims 1-8, 21-29 and 40. Such an election would be made without prejudice to the prosecution of non-elected species in other patent applications.

Respectfully submitted,

BAKER BOTTS L.L.P.

By: 

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